

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|------------------------------------|---|---------------------|
| TRUSTEES OF THE SUBURBAN TEAMSTERS |) | |
| OF NORTHERN ILLINOIS PENSION FUND |) | |
| AND WELFARE FUNDS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 06-C-4846 |
| v. |) | |
| |) | Judge Der-Yeghiayan |
| HILDEBRANDT PAVING, LTD., |) | |
| an Illinois corporation |) | |
| |) | |
| Defendant. |) | |

MOTION FOR ORDER OF DEFAULT AND AUDIT

Plaintiffs, by their attorneys, JOHN J. TOOMEY and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Final Judgment in Sum Certain in favor of Plaintiffs and against Defendant, HILDERBRANDT PAVING, LTD.

In support thereof, Plaintiffs state:

1. This case was filed on September 7, 2006.
2. Defendant Hilderbrandt Paving, Inc. ("Hilderbrandt") was served on September 13, 2006.
3. Hilderbrandt subsequently answered. However, Plaintiffs then were given leave to file an amended complaint, with Hilderbrandt to answer by 21 days thereafter.
4. Plaintiffs subsequently filed their Amended Complaint on January 16, 2007.
5. More than 21 days have passed since the filing of Plaintiffs' Amended Complaint, yet Hilderbrandt has failed to answer or otherwise plead.

WHEREFORE, Plaintiffs pray for:

1. An Order of Default against the Defendant.

2. Order Defendant to submit its records for an audit for the period April 1, 2006, through to the present.
3. Retain jurisdiction to enter judgment on all amounts found to be due and owed to Plaintiffs, including contributions, liquidated damages, interest, and attorney's fees and costs.

Respectfully submitted,

**TRUSTEES OF THE SUBURBAN
TEAMSTERS, et al.,**

By: _____

One of their Attorneys

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